
Board of Selectmen
Regular Meeting Minutes of November 17, 2014

I. Call to Order

Chairman Kowalski reconvened the Regular Meeting of the Board of Selectmen to order at 7:18 P.M. in the Board of Selectmen's Meeting Room in the Town Offices. Present from the Board of Selectmen: Paul Salafia-Y, Alex Vispoli-Y, Brian Major-Y, Mary O'Donoghue-Y, and Dan Kowalski-Y. Also present: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Executive Session

At 6:02 P.M. on a motion by Paul Salafia and seconded by Brian Major, the Board of Selectmen moved into Executive Session for consultation with Town Counsel for confidential legal advice and to discuss the purchase, exchange, lease or value of real property and to return to Open Session. Roll call: P. Salafia-Y, B. Major-Y, A. Vispoli-Y, M. O'Donoghue-Y, and D. Kowalski-Y. At 7:14 P.M. on a motion by Paul Salafia and seconded by Alex Vispoli, the Board moved to adjourn from Executive Session and move to Open Session, not to return to Executive Session. Roll call: P. Salafia-Y, B. Major-Y, M. O'Donoghue-Y, A. Vispoli-Y, and D. Kowalski-Y.

III. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

~Congratulations to Mike Burke, Director of Veterans Affairs and the Patriotic Holiday Committee for another outstanding ceremony recognizing our veterans on Veterans' Day.

~The Annual Mid-Year Review will be held on Wednesday, November 18th at Memorial Hall Library and include an update on the Youth Services Center, a recap of the Flushing and Hydrant Program, the new Bancroft School, Town energy efficiency projects including Solarize Andover followed by a question & answer period.

~The Economic Development Commission will present 'Andover Tomorrow' at the Memorial Hall Library this Thursday at 7:00 PM.

~ The Tax Classification Public Hearing will be held on Monday, November 24th at 6:00 P.M. in the Board of Selectmen's Meeting Room followed by the Triboard Meeting at 7:00 P.M. in the School Committee Room.

~The Annual Christmas Parade is Sunday, November 30th at 3:00 PM, and the Main St. Businesses will hold an open house until 6:00 PM.

~Curbside leaf pickup will end on December 5th.

IV. Communications/Announcements/Liaison Reports (Cont'd)

~The Mass Municipal Association received word that the Governor's Office is predicting a budget deficit of \$225M which is not good news for local aid.

Larry Murphy reported that the language for House Bill 373-Health Insurance for Officials has been corrected and the bill moved forward to the Health Clerk's Office.

Paul Salafia reported that the Town Meeting Room at the Town House will be dedicated to James Doherty on Saturday, November 22nd at 12:00 P.M. and everyone is welcome to attend. He also reported that he and the Town Manager have met with Merrimack College regarding the Tax Pilot Program and are gathering more information to move forward.

Mary O'Donoghue said the OPEB Sub-Committee met to finalize their recommendations which will be presented at Monday's Triboard Meeting.

Brian Major announced that the Annual Ballardvale Tree Lighting will be held on Sunday, December 7th at 5:00 P.M.

Alex Vispoli also recognized Mike Burke and the Patriotic Holiday Committee on the outstanding Veteran's Day Program on November 11th.

V. Citizens Petitions and Presentations

- Representative of the Elm Street Neighborhood Group

Mark Bernardin of 140 Elm Street who is representing the Elm Street Neighborhood Group provided a copy of the petition from residents opposed to the location of the proposed assisted living facility at 139-143 Elm Street who take issue with the way the town is allowing developers to change the character of its neighborhoods (i.e. Merrimack College, Strawberry Hill, and Elm Street) and have concerns with the Planning Board not giving residents an appropriate amount of time to speak.

Anthony Zuena of 20 Windemere Drive and representing a group of citizens opposed to the development of an assisted living facility at Strawberry Hill Farm has looked at the property and the Master Plan which he states does not meet the Town-bylaws, the development rests in a watershed overlay district, and the proposal incorporates three prohibitive uses. A lot of objections have been raised but comments by citizens have not been recognized and residents are frustrated with the process.

David Silberstein, Burton Farm Drive objects to the Planning Boards decision to meet two days prior to Thanksgiving when residents asked that the Elm Street Elderly Housing item be rescheduled until after the holiday but their request was denied. Paul Salafia explained that there is statutory deadline once a filing is made and a project of this magnitude would be put on an agenda immediately with the first meeting being informational only. Charlie Urban, Lowell Street, said no one at the Planning Board has provided them information on time periods for the Strawberry Hill Project.

VI. Public Hearings:

A. FY-2015 Tax Classification

On a motion by Brian Major and seconded by Alex Vispoli the Board moved to continue the Public Hearing of the FY-2015 Tax Classification to Monday, November 24th at 6:00 P.M. in the Board of Selectmen's Meeting Room. Roll call: P. Salafia-Y, B. Major-Y, M. O'Donoghue-Y, A. Vispoli-Y, and D. Kowalski-Y.

B. FY-2016-FY-2020 Capital Improvement Plan

The Town Manager presented his annual formal overview of the FY2016-FY0220 Capital Improvement Plan (CIP). Department Heads submitted a total request of \$18.3M in projects but after review and discussion, the Town Manager is presenting a total CIP of \$13,616,000 funded from the following revenue sources: General Fund Revenue \$2,450,000; General Fund Borrowing \$7,229,000; Special Dedicated Funds (Chapter 90 and Cable Fund) \$1,682,000 and \$2,255,000 from Water & Sewer Enterprise Funds. The breakdown of requests to be funded from the above accounts can be found on pages 2 and 3 of the CIP Book (available on line at www.andoverma.gov) which includes the pay-as-you-go projects from the General Fund Revenue; School 1, 2, 3 total an appropriation of \$1M. The General Fund Borrowing (page 3 of the CIP Book) includes the site improvements for West Elementary School which although not approved last year, still needs to be done. Safety enhancements (IT-6) for town and school buildings will replace security devices; and town and school energy initiatives of \$337,000 will cover updates for efficiencies. Large future General Fund Non-exempt borrowing projects includes the Ledge Road Landfill, review of Shawsheen School for possible office space, and improvements to South School. General Fund Exempt projects include the Town Yard, Ballardvale Fire Station, Early Childhood Center and an expansion/renovation of Andover High School.

Special Dedicated Funds from the Cable Fund will cover IT-1 in the amount of \$291,000 for PC Leasing; and DPW-1 Annual Road Maintenance Chapter 90 in the amount of \$1,391,000. There are three items to be covered through the Water & Sewer Enterprise Funds; DPW-12 Water & Sewer Vehicles in the amount of \$55,000; DPW-14 Major Water Main Replacement Projects in the amount of \$1,700,000 (River Road, Chandler Road, and Bancroft Road), and the WTP GAC Replacement for \$500,000. There is no new sewer debt planned for 2016.

Revenue and Expenditure Projections:

For FY-16 the projected revenues are \$169,951,758 a 3.3% increase over FY-15 revenues of \$164,450,048. Expenditures for FY-16 are projected at \$59,975,796 which is an increase of 4.8% over FY-15 expenditures of \$57,217,048. The remaining balance for operations for FY-16 is \$109,975,962 after payment for liabilities not covered by debt service are met. The Town Manager's Recommended Budget is the starting point for deliberations on the budget.

VI. Public Hearings: (Cont'd)

B. FY-2016-FY-2020 Capital Improvement Plan (Cont'd)

The Board of Selectmen provided comment on the presentation and would like to see more funds put aside for to cover liabilities as soon as possible with a benchmark set to measure General Fund (non-exempt) Debt to show how quickly debt is increasing or decreasing. The Town Manager said the liability report and the Retirement Board's recommendations will be forthcoming.

Comments from audience:

John Pasquale, 47B Whittier Street and Mike Rolli, 2 College Circle would like to see the priorities established, no increase in spending for this year, and ideas on how to save on spending to pay down debt without raising taxes.

Joe Albuquerque, 192 Greenwood Road asked about the Ledge Road Landfill and the actual value to cap the area. The Town Manager said a presentation will be given in January and right now the projected cost is between \$8-9M.

The Triboard Meeting on December 1st will include information on the Retirement Fund and a report on OPEB from the OPEB Sub-Committee.

Selectman O'Donoghue moved that the Board invite the Retirement Board to the December 1st Triboard Meeting to discuss the impending Actuarial Report and/or actions the Retirement Board can take to impact the rate of growth. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

Selectman Vispoli moved that the Board of Selectmen direct the Town Manager to start the budget with the ending budget number from last year and to not include \$1.2M in savings in the base budget. The motion was seconded by Selectman Major.

Town Counsel suggested the Board of Selectmen defer the motion to their next meeting as it was not part of the Town Manager's agenda.

Selectman Vispoli withdrew his motion with a note that it be added to the next agenda.

C. Storage of Inflammables

Selectman Major moved to approve the request of Andover Apartments Venture, LLC to keep and store the following inflammable products at 315 Lowell Street, Andover: Class I, gasoline fuel stored in a total of 183 parking spaces in garage-under parking in residential structures at 100 Woodview Way and 200 Woodview Way, Andover. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Vispoli and vote 5-0 to approve.

VII. Regular Business of the Board

A. Updates

Merrimack College Dormitory Project: The Town Manager reported receiving a letter today from Merrimack College and Attorney Johnson providing their rationale on moving forward with the development of the dormitories. Chairman Kowalski received a late notice from Merrimack today.

Jeff Doggett from Merrimack College commented on the partnership between Andover and Merrimack stating that over the years Merrimack has been a major employer in the area and contributor to the community, and they continue to grow. While they recognize this is a difficult conversation for the Board and understand the Board's view of the project, they deem that the area selected for the dormitories makes the most sense for them. References found to an IMA Agreement provide ample reason to continue this agreement along with its legal precedents.

Selectman Vispoli provided opinions and reasons why the Board wrote to Merrimack and their discontent with the process and lack of response from the College, which is not a good way a relationship should work. Chairman Kowalski noted that the additional dormitories will increase the consumption of Andover services and the project will change the character of the neighborhood. Assuming the project goes through, he asks Merrimack to listen and do what they can to mitigate concerns of the neighbors.

Audience comments included remarks from residents thanking the BOS for their support although they are very frustrated the process has not gone beyond what they hoped. Not all residents were invited by Merrimack to the meeting and there is a vast difference in concern vs reality of Merrimack's response to neighborhood requests. They feel they have not been respected by the Planning Board who gave them little time to express their opinions and it appears their concerns were not taken seriously. They hope the Town enforces the 17 conditions Merrimack has agreed to comply with.

Town Counsel Tom Urbelis suggested a check of the conditions submitted when Merrimack filed with the Planning Board and see if they are consistent with conditions from the Planning Board. Chairman Kowalski said the Board of Selectmen is extremely disappointed with this plan.

Tennessee Gas Pipeline Project: AVIS/Town jointly held a forum at WHMS providing useful information on the pipeline project. A copy of a letter sent to FERC by Tennessee Gas which included all of Andover's five alternative suggested routes and made it into the official filing. The Open House Meeting with Kinder-Morgan was postponed by Tennessee Gas.

Phillips Academy Boathouse: The Board of Selectmen have been in Executive Session with the Conservation Commission with another meeting scheduled for Thursday, November 20th and unable to comment.

VII. Regular Business of the Board (Cont'd)

A. Updates (Cont'd)

Town Yard: Chris Cronin, Director of Municipal Services provided information requested on available lots for the Town Yard resulting from the previous Town Yard presentation. He reviewed the evaluation criteria for the lots along with information on the six remaining 3.5 acre lots and the nine 5 acre lots, none of which meet the ranking criteria. Revitalizing the current site would cost approximately \$14.5M and if they purchase three parcels adjacent to the site, construct a new 44,000 sq. ft. consolidated pre-engineered metal structure, construct temporary facility sites, soft costs, etc., the cost would be approximately \$16M. The Town Yard distributive approach would keep Lewis Street as it is, build seasonal storage and utilize Red Spring Road or Tewksbury Street parcel (Tewksbury/Andover line). Without the Lewis Street site, they would look at Tewksbury Street as the main site and use Red Spring Road for seasonal storage and the downtown fuel option.

The RFP would seek private land of 4 plus acre sites with a possible downtown fuel option to include the Central Fire Station, Pearson Street lot, and Red Spring Road. The Red Spring Road option would include construction of a new two story building, demolishing the existing site, expanding parking area, and still include the cemetery site. Another option to consider is the purchase of 11-13 Lupine Road (private) for a fueling depot that includes a three-bay garage.

Old Town Hall Project: The Town Manager asked Ed Ataide from Municipal Services to report on the Old Town Hall Renovation Project. Mr. Ataide said improvements were made to meet ADA compliance and current building code. The project began in 2000 with the Main Street Project and was always on the agenda but put on hold due to insufficient funds (ref meeting minutes of March 1001 and October 2001) Over the past five years there have been 7 injuries from falls in front of the Town Hall which was the impetus for completing the renovations. The project schedule ran from November 2013 through May 2014 and included input from the Design Review Board, Preservation Committee, Committee on Disability, Town Engineer, and Plant and Facilities and included the inside painting of the Town House. There was only one bid received for the work. The project expenses included: Handicap Ramp \$148,500; Front Plaza Improvements \$139,000, mobilization \$25,000 and Engineering and Design \$9,900 for a total of \$322,400. The entire project was budgeted and funded through the 2013 Town Meeting Main Street Project Funds, ADA Compliance Funds, and 2013 Town House exterior Improvements.

B. Community Development & Planning Permitting Report

Tom Carbone and Bob Douglas reported on the fundamental request to improve the permitting process and that the final draft report will be presented to their boards for comment by mid-December and presented to the Board of Selectmen in January 2015.

VII. Regular Business of the Board (Cont'd)

C. North Reading Water Intermunicipal Agreement

The Town Manager reported that Section 3.1 of the North Reading Water Agreement has been reworked at the Board's request. The contract is for ten years @ \$3 per 100 cu. ft. with a 2.5% annual escalator with annual acquisition of 300M gallons per year.

On a motion by Alex Vispoli and seconded by Mary O'Donoghue, the Board of Selectmen voted to approve the North Reading Water Intermunicipal Agreement as presented. The motion was voted 5-0 and approved.

D. FY-2016 Tax Levy Hold for discussion at BOS December 1, 2014 Meeting

VIII. All Other Business

Steve Fink, Bateson Drive, suggested ideas for the Town Yard: consider putting the Town Yard in a different Town, and building a multi-story car parking lot with the Town yard on the bottom floor. Mr. Pasquale said the sidewalk in front of the Town House is cracked, the sidewalk on Park Street is broken and they should ask the contractor how much it would cost to fix. He also asked that the details of the mid-year report be put online.

IX. Consent Agenda

A. Appointments and Re-appointments

On a motion by Selectman Salafia and seconded by Selectman Major, the Board voted 5-0 that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT</u>			
Tara L. Spear	Office Assistant I – PT (v. V. Ricart)	IE-10/\$19.59/hr.	11/18/14
<u>MUNICIPAL SERVICES</u>			
Wayne Barchard	Tree Climber – FT (v. Justin Connors)	W5-1/\$23.04/hr	12/8/14
Donald N. Eisenhaur	Working Forman- FT (v. R. Hancock)	W9-1-4/\$27.77/hr	11/18/14

And that the following re-appointments by the Town Manager be approved:

CONSERVATION OVERSEERS – Terms to expire 6/30/17

Christine Dillman

IX. Consent Agenda (Cont'd)

A. Appointments and Re-appointments (Cont'd)

Robert Decelle – Bald Hill-Wood Hill, Virginia Hammond & Sacred Heart Property
Beatrice Pfister – Doyle Link
Bruce Belbin – Bolian Reservation
David Brown – Glenwood Road Reservation
Alexander Charles – Gray Road to Tucker Road
Leslie Frost – Hussey's Reservation
David Nelson – Blueberry Hill
John Petty – Pole Hill
Robert Pincus – Fosters Pond
William Postal – Hearthstone Village Trail
Gail Ralson – Sacred Heart Property
Suzanne Scarpulla – Doyle Link
Norman Scapulla – Doyle Link
Philip Sutherland – Pole Hill Reservation
Carol Minasian – Bolian Reservation
Keith Saxon – Mary French, Booth, Wethersfield, Cameron Green Space

X. Approval of Minutes from Previous Meetings

On a motion by Selectman Major and seconded by Selectman Vispoli, the Board voted 5-0 to approve the Regular Meeting Minutes of October 20, 2014 as presented.

XI. Adjournment

At 11:01 P.M. on a motion by Selectman Vispoli and seconded by Selectman Salafia, the Board voted 5-0 to adjourn the meeting of November 17, 2014.

Respectfully submitted,

Dee DeLorenzo

Recording Secretary

Documents: Public Hearing Notice for Andover Apartments Venture, LLC.
Inter-municipal Water Agreement w/North Reading
Letter from Merrimack College and Attorney Mark Johnson
Petition of Andover Residents opposed to Assisted Living Facility at 139-143 Elm Street
Tax Classification letter from Joseph Bevilacqua, President/CEO Andover Chamber of Commerce